

09/807,692

REMARKS

Applicant respectfully submits that the presently claimed subject matter is in condition for immediate allowance and, at the very least, that by the present amendment and remarks the issues before the Examiner have been materially reduced. Accordingly, entry of the present amendment and remarks and favorable consideration are respectfully solicited pursuant to 37 C.F.R. § 1.116.

Claims 1-12 are pending and under consideration. Claim 1 was amended to clarify the claimed subject matter. In particular, the claim was amended to exclude sample from the reaction layer. As is apparent throughout the detailed specification, Applicant describes fabricating a glucose sensor having gluconic acid or salt thereof prior to using the sensor. It was discovered that the addition of gluconic acid or a salt thereof improved storage stability and response characteristics, i.e. initial characteristics, compared to a sensor not having these agents. (See page 7, last paragraph of the present specification) Hence, it would have been apparent to the skilled artisan that Applicant had possession of a glucose sensor excluding sample, i.e. prior to its use. Accordingly, it is respectfully submitted that the amendment to the claim are fully supported by the specification and new no matter issues is caused thereby. Entry of the amendments is requested.

Claims 1, 4 and 5 were rejected under 35 USC 102 as unpatentable over JP 10227755 to Toshihiko. The rejection is traversed and it is respectfully submitted that the claims now in the application are patentable over the cited art.

In the Office Action, the Examiner rejected claims 1, 4 and 5 reasoning that when the sensor of Toshihiko is used as intended, gluconic acid or a salt thereof is necessarily present in the sensor and therefore the Toshihiko sensor reads on certain claims. Applicants respectfully submit that the amended claims are patentable over Toshihiko. The claims have been amended to recite that the

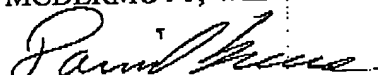
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reaction layer lacks sample. Hence, the now claimed subject matter is not anticipated nor rendered obvious by Toshihiko since Toshihiko does not describe, expressly or implicitly, a glucose sensor having gluconic acid or a salt thereof in the absence of sample. Accordingly, entry of the present amendment and remarks and favorable consideration are respectfully solicited pursuant to 37 C.F.R. § 1.116.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Three Times Amended) A glucose sensor comprising: an electrically insulating base plate; an electrode system including at least a working electrode and a counter electrode formed on said base plate; and a reaction layer containing at least pyrrolo-quinoline quinone dependent glucose dehydrogenase, formed in contact with or in the vicinity of said electrode system, wherein said reaction layer contains at least one additive selected from the group consisting of gluconic acid and salts thereof in the absence of [glucose] sample.